

1 HONORABLE ROBERT S. LASNIK
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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,) No. CR19-256RSL
9 Plaintiff,) ORDER GRANTING UNOPPOSED
10 v.) MOTION TO PROCEED WITH
11 Defendant.) SENTENCING HEARING BY VIDEO
12) CONFERENCING

13 THE COURT has considered the unopposed motion to proceed with a
14 sentencing hearing by video hearing, along with all the records and files in this case and
15 the General Orders currently in effect.

16 THE COURT FINDS that the circumstances are as set forth in the motion, and
17 that a video sentencing hearing shall be held on March 23, 2021, at 11:00, *see* General
18 Order No. 04-20 (3/30/20), for the reasons set forth in the motion. Accordingly,

19 THE COURT ORDERS that the parties may proceed with a sentencing hearing
20 by video conference, consistent with current procedures established by this Court.

21 THE COURT also makes the following specific findings:

- 22 1. The Judicial Conference of the United States must find that the
23 coronavirus emergency will materially affect the functioning of the
24 federal courts generally or a particular court. CARES Act,
25 § 15002(b)(2)(A). It has done so. See “Judiciary Authorizes Video/Audio
26 Access During COVID-19 Pandemic,” Administrative Office of the
United States Courts (published March 31, 2020) (available at

1 [https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-](https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic)
2 [videoaudio-access-during-covid-19-pandemic](https://www.uscourts.gov/news/2020/03/31/judiciary-authorizes-videoaudio-access-during-covid-19-pandemic)).

- 3 2. The chief district judge of the affected district must specifically find that
4 “felony pleas under Rule 11 of the Federal Rules of Criminal Procedure . .
5 . cannot be conducted in person without seriously jeopardizing public
6 health and safety.” CARES Act, § 15002(b)(2)(A). The Chief Judge
7 Martinez has done so. GO 04-20 (March 30, 2020).
- 8 3. The Court finds in this particular case that for specific reasons specified in
9 the pleadings that the plea in this case cannot be further delayed without
10 serious harm to the interests of justice.” CARES Act, § 15002(b)(2)(A).
- 11 4. The defendant must consent. CARES Act, § 15002(b)(4); see also GO 04-
12 20. Mr. Lundein consents by way of filing.
- 13 5. For all practical purposes, the hearing must take place by
14 videoconference, not telephone conference. Theoretically, a sentencing
15 could be done by telephone conference if “video teleconferencing is not
16 reasonably available.” CARES Act, § 15002(b)(2)(A). A videoconference
17 hearing is reasonably available in this case.

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19 DONE this 16th day of March, 2021.

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22 ROBERT S. LASNIK
23 UNITED STATES DISTRICT JUDGE

24 Presented by:

25 s/ Christopher M. Sanders
26 Assistant Federal Public Defender
 Attorney for Jonathan Lundein

ORDER GRANTING UNOPPOSED
MOTION TO PROCEED WITH SENTENCING
HEARING BY TELECONFERENCING
(Jonathan Lundein; CR19-256RSL) - 2

FEDERAL PUBLIC DEFENDER
1601 Fifth Avenue, Suite 700
Seattle, Washington 98101
(206) 553-1100